

No. 03-20-00497-CV

IN THE COURT OF APPEALS
FOR THE THIRD DISTRICT OF TEXAS
AUSTIN TEXAS

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
10/19/2020 9:01:08 AM
JEFFREY D. KYLE
Clerk

Ruth Hughs, in her official capacity as Texas Secretary of State,
Appellant

v.

MOVE Texas Action Fund,
Appellee

UNOPPOSED MOTION TO EXPEDITE CONSIDERATION OF
MOVE TEXAS ACTION FUND'S EMERGENCY MOTION FOR A
TEMPORARY ORDER TO REINSTATE TEMPORARY INJUNCTION

MOVE Texas Action Fund ("MOVE") has filed an emergency motion for a temporary order pursuant to Texas Rule of Appellate Procedure 29.3 to reinstate, during this interlocutory appeal, a temporary injunction against Ruth Hughs, in her official capacity as Texas Secretary of State ("SOS"), and Dana DeBeauvoir, in her official capacity as Travis County Clerk ("Clerk"). The injunction involves a provision of the Texas Election Code, and it implicates the proper procedures for the upcoming Nov. 3, 2020, election. MOVE respectfully moves that this Court expedite

consideration of its motion for a temporary order. Tex. R. App. P. 10.3(a). While the motion for a temporary order is opposed, this motion to expedite is not opposed.

This Court should expedite consideration of MOVE's request for a temporary order and decide it sooner than the usual 10-day time period for motions. *See* Tex. R. App. P. 10.3(a). Under the ten-day time period, MOVE's motion would not be ripe for determination until Oct. 29, 2020. The injunction at issue involves waiver of a doctor's certification requirement for late ballot applications after the Oct. 23, 2020, deadline pursuant to Texas Election Code § 102.002. Waiting until Oct. 29 to rule on the motion for a temporary order would cause irreparable injury to MOVE and substantially undermine any ultimate relief. The injunction must be in place to enjoin the doctor's certification requirement beginning on Oct. 23 to ensure that no voters with a late-arising disability (such as a diagnosis of COVID-19 after the deadline) are disenfranchised because of an inability to secure the doctor's certification.

MOVE respectfully requests that this Court expedite its consideration of its Emergency Motion for a Temporary Order to Reinstate the Temporary Injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served by electronic filing and email on all counsel of record on October 19, 2020.

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/s/ Jane Webre

Jane Webre

CERTIFICATE OF CONFERENCE

I certify that on Oct. 17, 2020, I conferred by e-mail with counsel for all parties regarding this motion. Neither the Secretary of State nor the Travis County Clerk oppose the relief sought through this motion.

/s/ Jane Webre

Jane Webre

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